



Austin City Council MINUTES

For
June 14, 1990

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the absence of Mayor Pro Tem Shipman and Councilmember Carl-Mitchell.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved minutes for regular meeting of June 7, 1990. (4-0 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell absent, Councilmember Urdy out of the room.)

CITIZEN COMMUNICATIONS

J.D. Porter addressed service to City of Austin by outgoing Councilmembers. Sue Schorer discussed current City issues and David N. Elliott discussed a new city start. R. Luthor Carpenter talked about cable misdeeds and Ted Siff discussed a contract award to out of town consultants.

ITEMS PULLED OR POSTPONED

Pulled from the agenda until June 26, 1990, when the Council meets as the Directors of the Electric Utility, are two contract awards to be considered for PLANERGY, INC.

Postponed until July 12, 1990 is the zoning hearing concerning C14h-90-0004 - DOHME HOUSE, 1112 1st Street, from "CS" to "CS-H".

Pulled off the agenda was approval of an amendment to 16th Year CDBG monies by directing the City Manager to allocate \$280,000.00 to the Salvation Army.

Pulled off the agenda was discussion of the sale of Southern Union Gas.

CONSENT ORDINANCES

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed the following ordinances, all in one consent motion: (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent)

Private Refuse Haulers

Approved amending Section 6-6-93(a) and 6-6-95(b) of the Austin City Code 1981, updating insurance requirements for private refuse haulers.

Burleson Road Improvements

Approved declaring the necessity and ordering improvements to Burleson Road from Montopolis Drive to U.S. 183, a joint construction project between the City of Austin and Travis County.

Landfill Disposal Fee

Amended the 1989-90 Operating Budget by appropriating \$66,000.00 from the Environmental and Conservation Services Fund ending balance to the Environmental Conservation Services Department to fund payments of a new landfill disposal fee to the Texas Department of Health. Environmental and Conservation Services Fund.

Charter Bus Franchise to American Arrow Company, Inc.

Approved second reading of an ordinance granting a Charter Bus Franchise to American Arrow Company, Inc. and approving a proposed rate of fare.

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted the following resolutions all in one consent motion: (5-0 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell absent)

Electric Easement

Approved release of the 10' wide Electric Easements recorded in Volume 8860, Page 942 of the Travis County Deed Records, located on Lots 1,2 and 5, Block C, Tanglewood Forest, Section Seven, locally known as 9901, 9902 and 9903 Nightjar Drive. (Request submitted by Lockwood Engineers, Inc. on behalf of Texas Commerce Bank - \$250.00 application fee paid)

Electric Utility Guy Wire Easement

Approved release of a portion of the Utility Guy Wire Easement recorded in Volume 4, pages 88-89 of the Travis County plat records, located at Lots 189 and 190 of Tarrytown #6, locally known as 2403 Tower Drive. (Request submitted by Scott Sayers - \$250.00 application fee paid)

Contracts

Approved negotiation and execution of a contract award to QUALITY MANUFACTURING INC., 1420 Nimitz Avenue, Talladega, Alabama, for the purchase of six custom pumper fire trucks in the amount of \$1,282,823.00 with the option to purchase an additional eighteen units over the next thirty-six months in an amount not to exceed \$6,176,511.00. General Services Department Budget.

Authorized negotiation and execution of a contract award to SEAGRAVE FIRE APPARATUS, INC., 105 E. 12th Street, Clintonville, Wisconsin, for the purchase of two custom ladder fire trucks in the total amount of \$805,290.00 with the option to purchase an additional six units over the next thirty-six months in an amount not to exceed \$2,327,792.00. General Services Department Budget.

Approved a six month supply agreement contract award to A & P WATER & SEWER SUPPLY, INC., P.O. Box 6457, Austin, Texas for cast iron pipe, in the estimated amount not to exceed \$35,048.00. (Funding included in the GSD/CSS budget)

Approved a twelve month supply agreement contract award with A & P WATER AND SEWER SUPPLIES, INC., P.O. Box 6457, Austin, Texas, for lightweight water meter boxes, in the estimated amount not to exceed \$43,133.00. (Funding included in the General Services Department)

Approved a contract award to JALCO, INC., P.O. Box 27368, Houston, Texas, for the Pilot Knob Transmission Main, Section II project in the amount of \$2,805,334.00. (Funding in the amount of \$1,547,811.00 is included in C.I.P. No. 377-227-0500; \$730,830.00 is included in C.I.P. No. 388-227-0763; \$526,693.00 is included in C.I.P. No. 390-227-0925 and \$120,000.00 is included in C.I.P. No. 443-237-0746 from W/WV fund)

Approved negotiation and execution of a contract with SQUIBB, P.O. Box 5400, Princeton, New Jersey, for ostomy products, at an annual estimated cost not to exceed \$38,822.00, with one twelve month extension option. (Funding included in FY 1989/90 Operating Budget for Brackenridge Hospital)

Approved negotiation and execution of a contract to GRAMMCO COMPUTER SALES, INC., 5807 Sebastian Place, San Antonio, Texas, for third party financing of an intensive care unit patient monitoring system to be purchased from Space Labs, Inc., of Redmond, VA., in an amount not to exceed \$873,682.80. (Funding included in 1989-90 Operating Budget for Brackenridge Hospital)

Approved a construction contract award to POOL AND ROGERS COMPANY, INC., 20025 I.H. 35, Buda, Texas, for the South Lamar Boulevard Overlay 1990, in the amount of \$616,107.95. (Funding in the amount of \$614,907.95 provided by Public Works and Transportation Paving Funds; \$750.00 in C.I.P. Water Funds; and \$540.00 in C.I.P. Wastewater Funds)

Approved a twelve month contract award to DOLLAR RENT-A CAR, 2963 Manor Road, Austin, Texas, for rental of automobile services in the amount of \$76,320.00 with two twelve month extension options in the amount of \$76,320.00 each, for a grand total amount not to exceed \$228,960.00. (Funding in the amount of \$42,000.00 provided by grant funding, and \$34,320.00 will come from seized funds)

Lease Agreement for Parking

Approved a new lease agreement of an East 11th Street Parking Facility for Ebenezer Baptist Church to the City of Austin located on East 11th Street near San Marcos Street.

Civil Service Commission Appointment

Confirmed the appointment of Dr. Alba Ortiz to the Civil Service Commission.

FEE WAIVED

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, approved on first reading of an ordinance waiving the fee in the amount of \$200.00 for use of Fiesta Gardens (east section), on Saturday, July 21, 1990, for use by Alana Fellowship. (4-1 Vote, Mayor Cooke voted No, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent)

REPUBLIC SQUARE PARK TREES

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, approved a contract between the City of Austin and Trees for Austin for parkland improvements in Republic Square Park. (No fiscal impact) (5-0 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell absent)

FEES WAIVED

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, approved waiving fees in the amount of \$15,808.00 for the Hyde Park Neighborhood Conservation Combining District. (5-0 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell absent)

VARIANCE REQUEST APPROVED SUBJECT TO CONDITIONS

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance approving a request for a variance from the terms of the right-of-way reservation requirements at 2201 East Ben White Boulevard, subject to agreement to be signed by Rosemary Follis, stated by City Manager Barnett, "that she will use additional spaces until such time as it is required, contingent upon Ms. Follis doing as she stated on public record which is to acquire sufficient spaces to meet the Code, when that happens. If that doesn't happen then the City can take enforcement action". (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent)

PERPETUAL CARE FUND

The Council, on Councilmember Humphrey's motion, Councilmember Barnstone's second, waived the requirement for three readings and finally passed ordinances amending the 1989-90 Operating Budget by appropriating \$170,000.00 in the Perpetual Care Fund to offset General Fund expenditures for maintenance of City cemeteries; and amended the 1989-90 Parks and Recreation Operating Budget by increasing expenditures and expense refunds by \$170,000.00. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent)

HEALTH PERSONNEL ADJUSTMENTS

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell absent)

Approved amending the FY 1989-90 General Fund Operating Budget by appropriating \$79,370.00 from the General Fund Contingency Reserve to the Emergency Medical Services Department to fund implementation of reclassifications/position upgrades.

Approved a comprehensive health care policy which includes a procedure for adjusting health care compensation levels and provides for tuition reimbursement and additional policy recruitment incentives.

Approved a Health Services Pay Schedule to be utilized for Brackenridge and Health and Human Services health care job classifications, covering technical and professional job classes. (Total 1989-90 estimated cost including shift differential and overtime of \$105,312.00 to be absorbed through current budget vacancy and contract labor savings; 1990-91 funding to be included in 1990-91 proposed budget)

BRUSHY CREEK WASTEWATER TREATMENT PLANT

Councilmember Humphrey introduced an item to discuss and vote on the future of Brushy Creek Wastewater Treatment Plant. After the discussion the following motion was made:

Motion - FAILED

Councilmember Humphrey made a motion, seconded by Councilmember Barnstone to have the Council evaluate discontinuing participation in the Brushy Creek Wastewater Treatment Plant, have a public hearing on the subject, and have the Legal Department review. Motion FAILED by a vote of 2-3 with Mayor Cooke, Councilmembers Nofziger and Urdy voting No, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent.

PUBLIC HEARING - VACATION OF A PORTION OF SOUTH LAMAR RIGHT-OF-WAY

Mayor Cooke opened the public hearing set for 3:30 P.M. to approve vacating a portion of the South Lamar Right-of-Way. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of the South Lamar right-of-way located at 2035-2039 South Lamar (portion of Lots 8 & 9, Block 1, Fredricksburg Road Acres) of record in Volume 9775, Page 546 of

the Travis County Real Property Records, Travis County, Texas, and retain 5' for right-of-way. (Request submitted by Richard Lillie on behalf of John Vincent McPhaul) (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent)

I-NET

Councilmember Humphrey introduced an item for discussion and recommendation for I-NET Telecommunication Systems Goals.

Motion

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, approved recommendation of I-NET Telecommunication Systems Goals; staff is to present a status report to Council on August 9, 1990. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent.)

ZONING HEARINGS

Mayor Cooke announced Council would hear zoning cases continued from the meeting of June 7, 1990. The following motions were made:

Termination of Restrictive Covenant

C14-80-076 - BLUEBONNET SAVINGS BANK FSB, by Debate Bell, 1717 West 6th Street APPROVED

Ordinance Amendment

C814-82-006.01 - BLUEBONNET SAVINGS BANK FSB, by Deby Bell, 1717 West 6th Street FIRST READING

(On Councilmember Nofziger's motion, Councilmember Urdy's second, 4-0 Vote, Councilmember Humphrey abstained, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent)

BARTON CREEK STATE OR NATIONAL PARK

Councilmember Humphrey introduced an item to Council to discuss goals for creating a Barton Creek State or National Park. After comments, the following motion was made:

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, approved considering the creation of a Barton Creek State or National Park. (5-0 Vote, Mayor Pro Tem Shipman, Councilmember Carl-Mitchell absent)

EXECUTIVE SESSION

Mayor Cooke announced the Council would go into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss

matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Pending Litigation - Section 2, Paragraph e

(a) Settlement of water rate cases before the Texas Water Commission.

RECESS

Council recessed its meeting from 4:55 to 5:04 P.M.

WATER RATES

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed ~~an~~ ordinance amending Ordinance No. 890914-E establishing rates charged for water service by reducing rates applicable to other utilities in compliance with the MUD litigation settlement agreement. Set rates charged to other utilities equal to inside City rates. (No expenditure of Utility funds: approximately \$1.4 million revenue loss) (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent) H

The Council, on Councilmember Urdy's motion, Councilmember Nofziger's second, approved amendments to consent agreements with City of Austin and Lost Creek Municipal Utility District, Northwest Travis County Municipal Utility District No. 1 and Southwest Travis County Municipal Utility District No. 1 for resolution of pending rate litigation. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Carl-Mitchell absent) JJK

ADJOURNMENT

Council adjourned its meeting at 5:06 P.M.